

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND, and HOWARD McDougall, trustee,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 07 C 6160
)	
LINCK AGGREGATES, INC., a Wisconsin corporation,)	Judge Joan H. Lefkow
)	
Defendant.)	Magistrate Judge Schenkier

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

NOW COME the Plaintiffs, the Central States, Southeast and Southwest Areas Pension Fund and Howard McDougall, one of its trustees (collectively referred to as the "Pension Fund") and hereby move for summary judgment pursuant to Fed. R. Civ. P. 56. In support of this Motion, the Pension Fund hereby incorporates its Statement of Material Facts and Memorandum in Support of Plaintiffs' Motion for Summary Judgment which are being filed contemporaneously herewith.

WHEREFORE, the Pension Fund respectfully requests that this Court enter summary judgment in favor of Plaintiffs and against Defendant Linck Aggregates, Inc. in the principal amount of \$407,140.15, together with additional amounts for pre- and post-judgment interest as allowed by law, and attorneys' fees and costs. Should the Court enter

summary judgment in Plaintiffs' favor, Plaintiffs will establish these additional amounts by affidavit at a later date as these amounts depend upon the date judgment is entered.

Respectfully submitted,

/s/ Cathy L. Rath
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January 7, 2008

CERTIFICATE OF SERVICE

I, Cathy L. Rath, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund, certify that on January 7, 2008, I caused the foregoing Plaintiffs' Motion for Summary Judgment to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

/s/ Cathy L. Rath

Cathy L. Rath

One of Central States' Attorneys